

R277-707 received final approval by the Utah State Board of Education on January 10, 2019. R277-707 is published in the February 1, 2019 Utah State Bulletin, subject to a 30-day comment period, with a first possible effective date of March 11, 2019.

## **R277. Education, Administration**

## **R277. Education, Administration.**

### **R277-707. Enhancement for Accelerated Students Program.**

#### **R277-707-1. Authority and Purpose.**

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section ~~[53A-17a-165]~~ 53F-2-408, which ~~[allows]~~ requires the Board to ~~[adopt rules]~~ establish a distribution formula for the expenditure of funds appropriated for the Enhancement for Accelerated Students Program; and

(c) Subsection ~~[53A-1-401]~~ 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2)(a) The purpose of this rule is to specify the procedures for distributing funds appropriated under Section ~~[53A-17a-165]~~ 53F-2-408 to LEAs.

(b) The intent of this appropriation is to provide resources to LEAs to enhance the academic growth of accelerated students. ~~[whose academic achievement is accelerated.]~~

#### **R277-707-2. Definitions.**

(1) "Accelerated students" means ~~[children and youth whose superior academic performance or potential for accomplishment requires a differentiated and challenging instructional model]~~ students participating in accelerated programs.

(2) "Accelerated programs" means student services with increased depth, complexity, or rigor, which may include above-grade level coursework, including:

(a) Gifted and Talented programs;

(b) IB programs; or

(c) AP courses.

~~[(2)]~~3 "Advanced placement" or "AP" courses means rigorous courses developed by the College Board where:

(a) each course is developed by a committee composed of college faculty and AP teachers, and covers the breadth of information, skills, and assignments found in the corresponding college course; and

(b) students who perform well on the AP exam may be:

(i) granted credit; or

(ii) advanced standing at participating colleges or universities.

([3]4)(a) "Gifted and talented programs" means programs to[:

~~—(a) assist individual students to develop their high potential and enhance their academic growth; and~~

~~—(b)] identify [students], through multiple assessment instruments, and serve students~~ with outstanding abilities who ~~[are capable of]~~ have potential for high performance in the following areas:

(i) general intellectual ability;

(ii) specific academic aptitude; and

(iii) creative or productive thinking.

(b) Instruments for identifying gifted and talent students shall not be solely dependent upon English vocabulary or comprehension skills and shall take into consideration abilities of culturally diverse students and students with disabilities.

([4]5) "International Baccalaureate" or "[{IB}]" Program means one of the following programs established by the International Baccalaureate Organization:

(a) the Diploma Program;

(b) the Middle Years Program; or

(c) the Primary Years Program.

(6) "Parent" means a student's parent, legal guardian, or a responsible adult with a power of attorney meeting the requirements of Subsection 53G-6-302(4).

(7) "Underrepresented students" means a subset of students that holds a smaller percentage in a program as compared to the overall school population.

([5]8) "Weighted Pupil Unit" means the basic state funding unit.

~~[(6) "Utah Consolidated Application" or "UCA" means the web-based grants management tool employed by the Board through which LEAs submit plans and budgets for approval by the Superintendent.]~~

**R277-707-3. Eligibility [;] and Application [; ~~Distribution and Use of Funds.~~]**

(1) All LEAs are eligible to apply for the Enhancement for Accelerated Students Program funds ~~[using the UCA]~~ annually.

(2)~~[(a)]~~ An LEA shall have a process for identifying students whose potential could be supported by accelerated ~~[academic achievement is accelerated options]~~ programs ~~[based upon multiple assessment instruments.~~

~~—— (b) These instruments shall not be solely dependent upon English vocabulary or comprehension skills and shall take into consideration abilities of culturally diverse students and students with disabilities].~~

(3) To receive program money, an LEA shall submit an application to the Superintendent that includes an LEA's plan for:

(a) how the LEA intends to engage all parents so that parents understand the opportunities available for their children in elementary, middle school, ~~[and]~~ high school and beyond, including how the LEA will comply with Rule R277-462;

(b) how the LEA intends to spend program money; and

(c) how the LEA intends to eliminate barriers and increase enrollment of underrepresented students in accelerated academic programs.

(4) The Superintendent shall publish outlines and required submission dates related to an LEA application and plan for increasing enrollment of underrepresented students in accelerated academic programs.

~~[(3) The distribution formula includes an allocation of money for:~~

~~—— (a) Advanced Placement courses:~~

~~—— (i) The designated funds for the advanced placement program equal 0.38 multiplied by the difference between the funds appropriated for the Enhancement for Accelerated Students Program less the allotment under Subsection 53A-17a-165(3):~~

~~—— (ii)(A) The total funds designated for the advanced placement program are divided by the total number of Advanced Placement exams passed with a grade of 3 or higher by students.~~

~~—— (B) This calculation results in a fixed amount per exam passed with each~~

participating LEA receiving that amount for each exam successfully passed by one of its students.

~~—— (b) Gifted and Talented programs:~~

~~—— (i) The designated funds for the Gifted and Talented Program equal 0.62 multiplied by the difference between the funds appropriated for the Enhancement for Accelerated Students Program less the allotment under Subsection 53A-17a-165(3).~~

~~—— (ii) Each LEA shall receive its share of funds in the proportion that the LEA's number of weighted pupil units for kindergarten through grade twelve bears to the state total.~~

~~—— (iii) An LEA shall expend Gifted and Talented program funds in accordance with the UCA guidelines.~~

~~—— (c) IB: LEAs shall have an IB authorized program to qualify for funds:~~

~~—— (i) Fifty percent of the total funds designated for IB consistent with Subsection 53A-17a-165(3) shall be equally distributed among all authorized IB programs in the state.~~

~~—— (ii) The remaining fifty percent of allocation shall be distributed to LEAs with Diploma Programs where students scored a grade of 4 or higher on IB exams, resulting in a fixed amount of dollars per exam passed.]~~

#### **R277-707-4. Distribution and Use of Funds**

(1) The Superintendent shall distribute Enhancement of Accelerated Students program funds as follows:

(a) the greater of 1.5% or \$100,000 to support IB programs;

(b) 60% of funds to LEAs to support Gifted and Talented programs; and

(c) the remaining funds to LEAs to support AP programs.

(2)(a) The Superintendent shall determine funding to be awarded to an LEA's IB programs by:

(i) dividing the number of students enrolled in an LEA's IB program by the total enrollment of students in IB programs throughout the state; and

(ii) multiplying the result from Subsection (2)(a)(i) by the total IB allocation.

(b) The Superintendent shall determine funding to be awarded for an LEA's AP

programs by:

(i) dividing the number of students enrolled in an LEA's AP classes by the total enrollment of students in AP classes throughout the state; and

(ii) multiplying the result from Subsection (2)(b)(i) by the total AP allocation.

(3) If an LEA fails to demonstrate progress in meeting plan goals for placing and retaining underrepresented students in accelerated programs, the Superintendent may:

(a) place the LEA on probation and provide targeted technical assistance; and

(b) reduce funding to the LEA.

(4) Subject to the general requirements of Section R277-700-7:

~~[(a) An elementary school shall provide all course registration placement options to each student;~~

~~(b) A middle school:~~

~~(i) shall provide all course registration opportunities to each student; and~~

~~(ii) may not require prerequisites for enrolling in a rigorous academic course, which is a course that would prepare a student for early college coursework;]~~

(a) A middle school or high school:

(i) shall provide all course registration opportunities to each student; and

(ii) through consultation with students, parents, educators, and administrators, may consider academic readiness, but [(iii)] may not require prerequisites for enrolling in an ~~early college course, which is a course that would prepare a student for postsecondary course work~~ AP or IB course.

(b) A school that offers a program eligible for funding under Section 53F-2-408, may not prohibit a student from enrolling in the course based on the student's:

(i) grades or grade point average;

(ii) state standardized assessment scores; or

(iii) referral or lack of a referral from an educator;

(c) In addition to the restrictions listed in Subsection (d), a middle school or high school may not prohibit a student from enrolling in a course based on the student's:

(i) grade level;

(ii) participation in or passing a pre-requisite course;

(iii) participation in or passing an honors-level or college-preparatory course; or

(iv) requirements over the summer.

(5) An LEA may use Enhancement for Accelerated Students Program funds for:

(a) gifted and talented programs, including professional learning for teachers ~~[of~~ high-ability students];

(b) identification of underrepresented students;

(c) Advanced Placement courses;

(d) Advanced Placement test fees of eligible low-income students, as defined in Section 53F-2-408;

(e) International Baccalaureate programs; or

(f) International Baccalaureate test fees of eligible low-income students, as defined in Section 53F-2-408.

#### **R277-707-[4] 5. Performance Criteria and Reports.**

(1) An LEA receiving funds [~~as set forth in Section R277-707-3,~~] shall [~~be required to~~] submit an annual evaluation report to the Superintendent consistent with Section [~~53A-17a-165~~] 53F-2-408.

(2) An LEA shall present the evaluation report identified in Subsection (1) to the LEA's local board in a public meeting.

(3) The report shall include the following performance criteria related to the identified students whose academic achievement is accelerated, which shall be disaggregated by groups as defined in the State Accountability System:

~~[(a) number of identified students disaggregated by subgroups;~~

~~— (b) graduation rates for identified students;]~~

(a) number of elementary, middle school, and high school students participating in Gifted and Talented programs;

[(c)]b) number of AP classes taken, completed, and exams passed with a score of [3]2 or above [~~by identified students~~];

[(d)]c) number of IB classes taken, completed, and exams passed with a score of 4 or above [~~by identified students~~]; and

(d) evidence of stakeholder input demonstrating that the LEA engaged parents;

~~[(e) number of Concurrent Enrollment classes taken and credit earned by~~

identified students;

—— (f) ~~ACT or SAT data, including the number of students participating, at or above the college readiness standards;~~

—— (g) ~~gains in proficiency in language arts; and~~

—— (h) ~~gains in proficiency in mathematics.]~~

(4) As part of the LEA's annual report under Subsection (1), an LEA shall provide assurances that the LEA is:

(a) increasing enrollment of underrepresented students in the LEA's accelerated academic courses; or

(b) meeting goals in the LEA's plan to increase enrollment and retention of underrepresented students in the LEA's accelerated academic courses.

~~[(2) The Superintendent shall submit an annual report on program effectiveness to the Public Education Appropriations Subcommittee of the Utah State Legislature consistent with Subsection 53A-17a-165(6)]~~

**KEY: accelerated learning, enhancement programs**

**Date of Enactment or Last Substantive Amendment: July 11, 2016**

**Notice of Continuation: May 16, 2016**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; ~~[53A-17a-165]~~ 53F-2-408; ~~[53A-17a-165(5); 53A-1-401]~~ 53E-3-401(4)**